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# REMARKS

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## HON. SHELBY M. CULLOM,

AT SPRINGFIELD, ILL., JUNE 27, 1887,

— AND —

AT SAYBROOK, ILL., JULY 4, 1887.

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SPRINGFIELD.:  
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1887.

# THE INTERSTATE COMMERCE LAW.

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REMARKS OF SENATOR CULLOM AT THE ANNUAL MEETING  
OF THE ILLINOIS GRAIN MERCHANTS' ASSOCIATION,  
AT SPRINGFIELD, ILL., JUNE 29, 1887.

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*Mr. President and Gentlemen of the Convention:*

I appreciate fully the compliment implied in the invitation extended to me to address you on this occasion, and I feel gratified that such a representative body of business men should be willing to suspend its regular proceedings to listen to any remarks from me. Realizing that you have come together here as men of affairs to discuss questions affecting your business interests in a business-like way, and feeling that it would be imposing upon your courtesy to occupy much of your time, I promise to be brief, and to confine myself to some general observations in relation to the subject of inter-state commerce and the law recently passed on that subject about which you have requested me to talk.

I may be allowed to say in the outset that since the passage of the law I have, so far, been silent in relation to the act or its effects upon the country, preferring to wait for a time after the law had been

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in force, and until the Commission appointed to enforce it had got fairly to work in the performance of its responsible duties. The law has not been in force quite three months, yet in this brief time the business of the country and of the railroads have made some progress in adjusting themselves to the new law, and I may be mistaken, but I venture to say that I doubt not that you gentlemen and the farmers with whom you have to deal feel that you have so far been benefitted by the act. You are placed on an equality with each other in your dealings with the railroads, which now pay more attention to the rights of non-competing points; and I am told by grain buyers in this section that freight rates between this section and the East have been reduced very considerably since the law took effect. The enactment of that law at the last session of Congress marked the beginning of a new era in railway administration, and was the culmination of a memorable and long-continued struggle for supremacy between the people of this country and the combined power of the railway corporations which the people brought into being, but which have assumed to be independent of the power that created them. This was the real issue, although it was ingeniously involved in numerous side issues, and all the powerful influences possessed by vast aggregations of capital were arrayed together with the common purpose of preventing the Federal Government from assuming to control the operations of the railroads subject to its authority. The contest which has been waged of late years in Congress was but a continuation of the struggle inaugurated here in Illinois and in neighboring States years ago, and which finally resulted in the notable triumph achieved by the people in the decisions by the United States Supreme Court in the so-called "Granger Cases," and in the establishment of State railroad regulation.

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Whatever may be found upon trial to be the merits or demerits of the new law, I consider its enactment a great victory for the people, because its passage was a declaration by Congress of its power over the subject, under the constitution, and that hereafter the power of the General Government will be used to see that these great highways of traffic are conducted upon honest business principles for the

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common good, instead, as in many instances, for the benefit of such localities and individuals or corporations as their managers may see fit to build up and favor.

It cannot be denied, and men engaged in the conduct of railroads will not deny, that in the management of the business of railroads there has not been exercised a proper regard for the rights of the people. The new law is confessedly an experiment as to some of its provisions. Those who are responsible for its terms have never been disposed to claim that it was perfect, but it represented their best judgment after careful investigation. To put it in a little different way, it was the best bill to which the two Houses of Congress could agree. It could not reasonably be expected that the intricacies and complications of the railroad problem, which have puzzled the wisest minds of this and other countries for years, could be solved at the first attempt; but a long stride in advance has been taken, and if we hold fast the great advantages already gained, time and experience will render further progress safe and certain.

The act will not be repealed, and, if any persons or corporations imagine it will, they may as well dismiss that expectation. Its substantial provisions have come to stay, because the people will find out, if they have not already, that they are in the interest of the general welfare.

This new law is often represented by those with whose accustomed privileges it has interfered to be a vague, ambiguous, bungled affair which its promoters did not understand and could not explain. This was the fashionable mode of attack upon the measure while it was pending in Congress, but that mode of attack has become less popular since the law went into force, and those interested have been obliged to study its provisions. As a prominent railroad man said to me the other day, referring to such statements: "We quit saying that some time ago. We know too well what it means." So far as my observation goes, those who are attacking the law and seeking to overthrow it are the persons who profess to find difficulties in understanding its meaning. It is in their way. They want to get rid of it. The true ground of ob-

jection on the part of such critics is to be found in the purposes and not in the alleged ambiguity of the law. The fact is that there is nothing particularly new or startling in its provisions; similar provisions are found in the constitutions and statutes of many of the States and in the laws of other countries. Much of the language used in the most important sections has a settled meaning, having been judicially construed either in this country or in England, and this is especially true of some of the phrases which have been most generally attacked as meaningless and ambiguous. Briefly stated, the great purpose of the law is to prevent unjust discrimination. About all the wrong doing by common carriers in dealing with the people is the result of unjust discrimination in one form or another. The law requires that all charges shall be reasonable and just; it prohibits all kinds of unjust discriminations between individuals; it prohibits undue or unreasonable preferences or advantages in favor of persons or places or any particular description of traffic. It requires reasonable and equal facilities to be extended by each railroad to others for the interchange of traffic, and it prohibits pooling. Surely there is nothing unreasonable or outrageous in these requirements. They simply apply the cardinal principles of the Declaration of Independence to the management of railroads by declaring that all men shall be equal in the eye of the railroad manager, and that all who are situated alike shall be treated alike without fear or favor, and that whatever their situation may be, all must be treated fairly.

The need of such a declaration has been shown more plainly than ever before by the nature and character of the complaints made against the enforcement of the law. The entire system of railroad management has been honey-combed with discriminations, some justifiable, but more wholly without excuse. The new law, to a large degree, revolutionized the methods of railway rate-making that previously prevailed, and it was to be expected that when it went into operation it would seriously disturb the existing conditions of business. The object of the law is to secure the greatest good to the greatest number, and this could not be accomplished without interfering with the arrange-

ments of those who were recipients of undue or unreasonable advantages. It was necessary that those who had previously been especially favored should be denied these privileges for the common good, and the readjustment of business to the changed condition of affairs brought about when the law took effect has taken place with very much less friction or commercial disturbance than I had anticipated.

The prohibition of a greater charge for a shorter than for a longer haul is objected to on the ground that it is an interference with the natural laws of trade and with natural trade centres. My answer to this is, that for many years past the railroads of the country have so absolutely controlled our interstate commerce that we have no means of knowing what are the natural channels of traffic or what would be the effect of the natural laws of trade upon many at least of the present commercial centres. What the critics of the law call natural centres of trade are centres created by railway favoritism, which has diverted trade from its natural channels into artificial ones at the expense of less favored localities. So far the chief opposition to the law by the railroads has been directed against the fourth section, which provides against charging more for the short than for the longer distance on the same line and in the same direction, etc. That section was attacked with such earnestness by so many railroads and combinations of roads after the law took effect and the Commission was appointed, that the Commission was induced to make orders in several cases suspending the operation of that section as to certain roads, and to relieve other roads from the operation of the section in the transaction of certain portions of their business. The Commission has been somewhat severely criticised in certain quarters for so doing. It has recently given notice that the relief will not be continued after the specified time expires. I thought the Commission was straining the authority granted to them in their action in granting relief, and if they had the power it was perhaps a mistake to exercise it to the extent they did. They had just come into office, however, but a few days before the law went into force. There had been a constant expression of fear on the part of some and a declaration of many men operating long

lines of road that a compliance with the section would ruin them and the business of the country; and under all the circumstances I was not surprised at the action of the board. They now have their grip and feel that they comprehend the situation, and their opinion on petitions for relief under section four of the act indicates that they intend to allow that section of the act to have as much force and effect as other provisions of the statute, except in such special cases as clearly call for relief, and I trust that relief will hereafter only be granted after careful investigation.

It is easy to abuse a public officer, and the most ignorant can do it, and frequently do, with more freedom than do the wise; and I feel like saying, I take pleasure in saying that, while the Commission may have made a mistake in giving relief from the short-haul clause to the extent they did in the outset, yet I have no question but that they believed the course they pursued was the wise one, and I am not prepared to say with confidence that it was not. I believe they are doing the best they can. I do not believe that the law would result in any substantial good to the people without such a special tribunal for its enforcement. No law would be of any account to the country without a wise and prudent commission to enforce it. It is fashionable to attack commissioners charged with a special duty, but I trust that the commission charged with the great work of protecting the people in their dealings with the railroads engaged in inter-state commerce under this new law will be upheld and strengthened in the performance of their duty. It is their duty to enforce the law, and I hope, now that they have made known to the railroads their general views on the question of the construction of the statute as it applies to the operation of railroads, and as it affects their own action, that they will give more definite and specific attention to the question whether the schedules of rates of freight filed in their office are made out according to law, without unjust discrimination or extortion against any persons or localities, and also the question whether the roads are actually complying with their schedules and the law.

□ The danger in my judgment is that, even with the Commission, after a little time the railroads will drop back into their old habits of unjust discrimination, of paying rebates and practicing favoritism, etc. It will require the vigilance of the Commission as well as of the people to bring our common carriers into the way of doing business as the law and justice to all require. It is charged that they are not yet doing business in that way. It is charged that they are trying to so operate by appearing to comply with the statute as to make the law offensive to the people and thereby secure its repeal. I make no such charges, because I do not know what the facts are; but railroad companies and their managers need not attempt to deceive the people, and I trust they will not, for any such attempt will fail and will only prolong the struggle. There should be no antagonism between the shipper and the common carrier; the one is a necessity to the other. You gentlemen engaged in the grain trade cannot get along without the railroads, and I am sure so many railroads cannot be supported without your patronage; so the relation between the railroads and the people should be thoroughly friendly, their prosperity being dependent on each other. The great purpose of the law, as I said, is to prevent unjust discrimination, to bring the common carriers down to legitimate, fair, straightforward dealings. The railroads are common carriers; they are, in a sense, agents of the people; they occupy a different relation to the public from the merchant or the farmer. They are from the very nature of things monopolies, and are performing a public trust, and it is the duty of the State and nation to see that as monopolies they do not abuse the privileges granted to them.

But, gentlemen, I promised you that I would be brief. This subject is too great to discuss satisfactorily in a few moments' time. If the law in its general scope and purpose is right, stand by it; if it is imperfect and needs modifying, strengthening or amending, let the Commission and Congress know wherein; and I trust that it will not be long before we shall have a perfect statute that will secure justice to the people and the railroads alike, and that increased prosperity may result to all.

# FOURTH OF JULY ADDRESS.

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EXTRACTS FROM SENATOR CULLOM'S REMARKS AT  
SAYBROOK, ILL., JULY 4, 1887.

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After reviewing the early history of the country at some length, calling attention particularly to the principles proclaimed in the Declaration of Independence and in our National Constitution, Senator Cullom referred to the War of 1812 and the Mexican War, and said:

## THE GREAT CIVIL WAR.

So, fellow-citizens, our Nation went forward. I have given but a hasty glance at some of its most prominent movements down to the famous struggle over the Missouri Compromise, which gave rise to renewed excitement over the slavery question and which culminated in the Civil War in 1861. Time will not permit me to discuss the causes of the civil war or the alleged grounds on which an assault upon the Union was made. I am not here to make a partisan speech, or to say a word not authorized by the pro-

prieties of the occasion, but we can all afford to be true to our country on any occasion, and to speak plainly in its behalf on the Fourth of July.

We all agree that there was no just cause for the great rebellion that came upon the country in 1861. We all agree that it caused a terrible sacrifice of blood and treasure to save the Nation. We all agree that those who fought for the Union were patriots engaged in a holy cause, and that those who conspired and fought against the Union were traitors, and that that distinction should be made under all circumstances and for all time.

The Union soldier, whatever may be his party or political preference now, or since the great war ended, has the right to the title of patriot, and no man who fought against the flag should ever get away from the fact that he committed treason against his country.

Fellow-citizens, you know the cost of that terrible war, you know the part the people of our own beloved Commonwealth played in the struggle to save the Nation's life. It gave 257,000 brave men to fight for it. It gave thousands of brave men to die for it. Their ashes are sleeping beneath the sod in different parts of the land. Most of their graves are marked by a slab to indicate the place and the name, some are unknown, but the names of all I trust are registered on high as brave defenders of their country and liberty.

“They fell devoted but undying,  
Their very names the winds seem sighing.  
The meanest rill, the mightiest river,  
Rolls mingling with their fame forever.”

Fellow-citizens, what better can we do on our Nation's birthday than to linger for a moment in memory and heart around those days and call to mind our fathers, sons, brothers and friends who took part in the struggle to maintain the Union which our fathers of the Revolution established. We unite in celebrating the establishment of our Union based on the principles of liberty and equality; shall we not unite also in celebrating the victory of the gallant soldiers of our own day and generation in conquering rebellion and saving the Union which our fathers gave us?

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## WHAT OF THE PRESENT?

I am now done with the past history of the country. What of the present? It is our duty to learn from the past and to profit by its lessons. We have a country rich and inexhaustible in resources; no people ever had greater cause to love their country. Our fields and farms and mills and mines are great. We have great cities, great colleges. Our schools and churches are open to all, and no excuse can be given for illiteracy among the youth of Illinois in the future. As our knowledge increases, our civilization improves. Knowledge is said to be power; so it is, but it may be used for evil instead of good. With increased knowledge come greater responsibility, and our consciences and minds should discern the right more quickly. In our Republic virtue and intelligence must go hand in hand, *pari passu*, if we would have good government.

## LIBERTY DOES NOT MEAN LICENSE.

Our Republic rests in the hands of the people; they must take care of it. To do it they must be wise enough to make good laws, and honest and loyal enough to respect and obey them. They must understand that liberty does not mean lawlessness; that liberty does not mean license to disregard the rights of others, and to burn and kill. This country has been called the land of the free and the asylum of the oppressed; so it has been; so it is now, but it should not be allowed to be the dumping ground for all the paupers and criminals of other lands; the time has come when the bars of our country should be put up and fastened against such imposition. It should have been done before now.

## THE REGULATION OF IMMIGRATION.

We invite all to come who come with honest purposes to be law-abiding citizens, but we have no place for fugitives from justice, for dynamiters or lawless classes of any character. We talk about protection of home industry and home labor, yet home labor, either native or naturalized, cannot be protected while the gates of our ports of entry are opened wide to the tens of thousands of persons sent here by other countries to lighten their own burdens.

In the language of Mr. Powderly, "the oppressed of other Nations are becoming the oppressors of this." Immigration should not be stopped; it should be regulated and so regulated that the eighteen million persons now in this country engaged in gainful occupations should not be thrown out of employment or forced to accept wages which will not support them and their families and give them a fair chance in the race of life.

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#### THE LABOR PROBLEM.

One of the great problems of the day is the labor problem. It is not a party question; it is a problem demanding the greatest wisdom and the highest statesmanship. Labor is honorable. "In the sweat of thy face shalt thou eat bread." Work is a divine command; "This we command you. that if any would not work, neither should he eat." It is honorable and dignified to work, and I think a man who is young and healthy and won't work is scarcely fit to live. We are put here to work. These magnificent farms are the result of the toil of you old settlers in this section; they have been beautified perhaps by your boys and girls, and made more valuable.

The towns and cities and railroads and mills and factories and school houses and churches all over the land have been built by labor, and with it what a grand country we have and what splendid opportunities for all the people to enjoy life. Every laboring man should have his reasonable share of the profits of his labor, and the questions arising between employer and employed, between labor and capital, should be adjusted on the basis of right.

The labor question does not so immediately interest you farmers as it does the great operators of railroads and factories and mines, and the thousands employed in their operation. When the wheels of commerce stop it affects us all, however, in one degree or another. The condition that has existed for the last few years should not be allowed to continue if it can be avoided by any legislative, executive or judicial action, or all combined. There can be found a remedy for existing evils; men must live and they must let live; and if employer and employed would

feel the force of the obligation that rests upon each, there would be less friction and more profit to all concerned.

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#### THE TARIFF AND THE TREASURY SURPLUS.

There are many public questions in which you are interested that I would like to discuss, but shall not be able to do more than refer to them. On an occasion like this I cannot discuss the tariff or free trade, because on that question men differ, but I can, with propriety, in the confidence that all will agree, say that the people of the country ought not to be taxed more than the needs of the government require to meet its obligations.

The flow of money into the National Treasury is too great and ought to be reduced to the country's needs; so far it has not been done, but I trust it will be before another session of Congress adjourns.

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I see by the reports that our exports are greater than they were last year, which I am glad to know; but I see also that our imports are greater still, which I do not like so well. So long as we sell more than we buy as individuals we are understood to be prosperous; when we buy more than we sell the balance gets on the wrong side. As of individuals, so also it may be said ordinarily of Nations. The growth and prosperity of our Nation is marvelous, and we are the richest Nation almost in the world. The wealth of the United States is reported at forty-seven thousand four hundred and seventy five millions; the wealth of Great Britain at forty-three thousand six hundred millions; France at forty thousand three hundred millions; Germany thirty-one thousand six hundred and fifteen millions; Russia twenty-one thousand seven hundred and fifteen millions; Austria eighteen thousand and sixty-five millions of dollars; and, notwithstanding the terrible war through which this country passed so recently, there is not one of these Nations I have named that does not owe more and has less to pay it with than has the United States.

The debt of the United States has been reduced as rapidly as it could reasonably be done, and our financial status to-day is the marvel of the world.

Our wealth is diversified ; like that of other Nations it is in fields and stock and grain and banks and railroads and the varied manufactories and business interests of the country. We have not much wealth on the seas ; we want it there. I do not say this as a partisan, but I want to see the day when our ships with that grand old flag floating from the mast head of every one, will dominate the seas, bearing the products of American farmers, American manufactories, American inventions to all the markets of the world.

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#### COAST DEFENSES.

And I venture another thing, which is, that it is the duty of Congress to provide for its coast defenses. We practically have none now. The meanest foreign power could batter down and burn our great cities any where on our coast, either in the East or West, whether it be New York, Boston or San Francisco. I would provide such defenses as that all the war fleets or monitors that could come across the sea could not molest us nor make us afraid. There is no partisan politics in this. We generally agree that it should be done, but differ as to the mode. With proper coast defenses, with a great navy, with our commerce dominating the seas, with proper regulation of our commerce at home, what a magnificent condition as a nation we would be in for uninterrupted progress.

Referring to the Interstate Commerce law, Senator Cullom, after explaining its purpose and provisions, said :

#### INTERSTATE COMMERCE.

The people are already receiving the benefits of the law. Its purpose is to prevent unjust discrimination. Its purpose is simply to enforce the right as between the common carriers and the people. The railroads, which represent fully one-tenth of the capital of the country, have not regarded the rights of the people as they ought. A study of their conduct and history calls to my mind most forcibly the language the immortal Lincoln uttered in his famous debate with Douglas :

“Right and wrong are the two principles that have stood face to face from the beginning of time, and

will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says you work and toil and earn bread and I'll eat it. No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation, and live by the fruit of their labors, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle."

What is a money king but a king still? He rules without constitutional authority, and maintains and exercises his power unchecked by legislative restrictions, which restrain the tyranny of a constitutional monarch. Money kings, whether as individuals or corporations, must be restrained by the power of the government, and not allowed to bestride the people and take their substance, earned by labor and toil, for the purpose of laying up great fortunes. Right and wrong are the two principles which are standing face to face. The freedom of the people and the despotism of the money power if left unrestrained are the opposing forces. The right is with the people, and under God it shall prevail.

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My friends, I have already talked to you and detained you too long. We are responsible as citizens for the part we take in the conduct of affairs to the State and to the Nation; let us realize and appreciate this, and do the right as God gives us to see the right. We feel confidence in the stability of our government now that slavery is removed and the doctrine of the right of secession has been trampled under foot. Still we are not secure. We may fall as the result of extravagance and corruption, as other nations have fallen that for centuries had no thought that their end could ever come.

"Tell me, thou reverend chronicler of the grave, can all the illusions of ambition realized, can all the wealth of a universal commerce, can all the achievements of successful heroism, or all the establishments of this world's wisdom, secure to empire the permanency of its possessions? Alas; Troy thought so once; yet the land of Priam lives only in song; Thebes thought

so once; yet her hundred gates have crumbled, and her very tombs are but as the dust they were vainly intended to commemorate; so thought Palmyra—where is she? So thought the countries of Demosthenes and the Spartan; yet Leonidas is trampled by the timid slave, and Athens insulted by the servile, mindless, and enervate Ottoman. In his hurried march, time has but looked at their imagined immortality; and all its vanities, from the palace to the tomb, have, with their ruins, erased the very impression of his footsteps. \* \* \* Who shall say, then, contemplating the past, that England, proud and potent as she appears, may not one day, be what Athens is, and the young America yet soar to be what Athens was?

Thus did Phillips speak of the glory and the fall of nations and cities years ago, when he imagined that the time might come when England, proud and potent as she was then and as she is now, might some day be what Athens was. We do not wish for the downfall of England. We wish her continued life and prosperity, and we wish with equal earnestness that she would see the right as the world around her sees it, especially as we see it on this side the sea, and that in pursuance of the right she would give to oppressed Ireland that boon they have prayed for so long—Home Rule. What a grand jubilee year this would be if the Queen would round out her rule of fifty years by such a grand result.

But I must not protract my remarks longer. Let us do our own part in perpetuating the life of this Nation. Let us pass the torch of liberty, bright and burning as we received it from our fathers, to those who come after us, and may this Republic prove an exception to the rule, and endure as long as time shall last.